

Landfill ruling may be appealed

Contamination of water alleged

By Donna E. Boller
Sun Staff Writer

Two couples who live near Keystone landfill may appeal a judge's ruling last week that the landfill is not responsible for water contamination on their properties.

The privately owned landfill in Adams County, Pa., north of Silver Run, is the target of a lawsuit filed in 1987 by Timothy and Marcia Brown, formerly of Silver Run and now of Littlestown, Pa., and Cloyd and Dorothy Willow of Hanover, Pa. The landfill closed in 1990.

Sylvia H. Rambo, chief judge of the U.S. District Court in Harrisburg, Pa., ruled last week that the two couples had failed to prove that the landfill was the source of pollutants in ground water on their properties.

Lawyer Kenneth A. Pels Sr., who represented the couples, said the civil suit raised issues about how environmental laws are applied, and those questions should go to an appellate court.

"We're just not going to give up. I feel there is something here to be reckoned with," Mr. Pels said.

Mrs. Brown said yesterday she believes that some of Judge Rambo's conclusions need further clarification.

But she said she and her husband "still need time to get our heads together" before they decide whether to appeal.

Mr. and Mrs. Willow were said to be out of state and could not be reached for comment.

Lawyers for Kenneth and Anna Noel, the landfill's owners, expressed a sense of vindication after the judge's decision. Mr. and Mrs. Noel operated the landfill under the name Keystone Sanitation Co.

"The court has found that the people closest to the landfill have not been adversely affected. To me, that is an important finding, in light of the people farther away who complain and complain," said attorney Robert B. Hoffman.

He referred to citizens on both sides of the Maryland-Pennsylvania border — many of them northern Carroll residents — who have staged demonstrations, lobbied state and local legislators, and monitored cleanup efforts for 10 years.

The U.S. Environmental Protection Agency placed Keystone landfill on its Superfund cleanup list in 1987, after finding contamination in ground water on the landfill proper-

Signs identifying landfill as Superfund site sought

Sample offered by EPA opposed

By Donna E. Boller
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Warning signs on a fence around the Keystone Landfill must state that the landfill is a federal Superfund contamination site, citizens' representatives from Maryland and Pennsylvania insisted last night.

The citizens, who were meeting as the Keystone landfill task force, rejected a sample sign proposed by Christopher J. Corbett, the U.S. Environmental Protection Agency's project manager for the site.

Mr. Corbett proposed a sign saying, "Danger Unauthorized Personnel Keep Out." He said he had negotiated the wording and placement of the signs, and a proposed fence around the site, with Kenneth and Anna Noel, owners of the landfill, which is now closed.

"It's very important to us to have at least one sign that says, 'Federal Superfund Site,'" said Susan Hardinger, president of the Silver Run area's People Against Contamination of the Environment (PACE).

Mary Minor, president of the Littlestown, Pa., Citizens Urging

Rescue of the Environment (CURE), said some real estate agents get attacks of amnesia when prospective homebuyers ask about the existence of a Superfund site in the neighborhood.

The task force voted to ask the EPA to work out an agreement with the Noels to place two signs on the planned fence that would identify the property as a Superfund site.

The EPA put the Keystone Landfill on its Superfund cleanup list in 1987 after finding pollution of ground water on the property. The landfill is in Adams County, Pa., 300 yards north of the Carroll County border.

Mr. Corbett said the contracting engineers for work at the landfill site are committed to erecting a 6-foot-high fence around the property within 30 days of the EPA's approval of the work plan.

The Pennsylvania citizens argued for changing the work plan to move an existing fence closer to Line Road to bar entry to a slope.

Mrs. Minor said water runs out of the sides of the slope.

The fence has become a symbol, said attorney Robert Hoffman, who represents Mr. and Mrs. Noel. "It's a symbol that it's a terrible place, that it's a war zone over there."

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Mr. Hoffman said Mr. and Mrs. Noel were happy with the federal court's decision.

"They've been attacked and vilified for 10 years now, and this is the first chance a court has had to rule," the lawyer said.

He said he didn't know whether the decision would affect continuing negotiations over cleanup plans for the landfill between the EPA and 11 polluters who are under orders from the EPA to develop a plan for the work.

"You'd hope and expect that EPA would give some serious thought to the opinions of a federal judge," Mr. Hoffman said.

Christopher J. Corbett, EPA's project manager for the Keystone site, could not be reached for com-

ment yesterday.

Judge Rambo's 85-page decision said that, although tests showed contamination from metals and pesticides in Mr. and Mrs. Brown's well, the tests showed conflicting results on the kinds of compounds that have been found during monitoring of wells at the landfill.

"Over a substantial period of time, including prior to the opening of the Keystone landfill, the water on the Brown property has been of poor quality and at times undrinkable," the judge wrote.

Regarding the Willow property, Judge Rambo concluded that even if the landfill "was releasing significant amounts of pollutants, little if any pollutants would affect the Willow property because of its location with respect to the ground water [flow]."

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